

STATE OF RHODE ISLAND AND
PROVIDENCE PLANTATIONS,
DEPARTMENT OF HEALTH,
BOARD OF MEDICAL LICENSURE
AND DISCIPLINE

No. C92-126

In the matter of:
Roger Ferland, M.D.

CONSENT ORDER

Pursuant to Section 5-37-5.1 of the General Laws of the State of Rhode Island, 1956, as amended, a complaint was filed with the Board of Medical Licensure and Discipline (hereinafter referred to as "Board") charging Roger Ferland, M.D., Respondent, with violations of Section 5-37-5.1 of the General Laws of the State of Rhode Island, 1956, as amended. Investigations were conducted by Investigating Committee I, so called, of the Board.

Investigating Committee I reported its evaluations and recommendations to the Board. The report was reviewed by the Board and it recommended further action.

The following constitutes the Finding of Facts with respect to the professional performance of the Respondent:

Findings of Facts

1. A patient was under the care of the Respondent for obstetrics and gynecology for a period of years. At a time when the patient was not under his care for an active medical condition, the Respondent received a call from the patient and agreed to an "out of the office" meeting. The Respondent and the patient later engaged in a consensual sexual relationship for a period of months during which time the Respondent rendered medical care to the patient.

2. The Respondent's actions were in violation of the Code of Medical Ethics of the American Medical Association in that Respondent engaged in a sexual

relationship with a patient concurrently with a physician/patient relationship.

3. The Respondent voluntarily completed evaluation by the physician staff at Golden Valley Health Center, Golden Valley, Minnesota and Onsite, Rapid City, South Dakota, at the suggestion of the Physician's Health Committee of the Rhode Island Medical Society.

The parties agree as follows:

(1) The Respondent is a physician licensed and doing business under and by virtue of the Laws of the State of Rhode Island, allopathic license No. 6030. Respondent's mailing address is 18 Imperial Place, Providence, Rhode Island 02903.

(2) Respondent admits to the jurisdiction of the Board and hereby agrees to remain under the jurisdiction of the Board.

(3) Respondent has read this Consent Order and understands that it is a proposal of Investigating Committee I of the Board and is subject to the final approval of the Board. This Consent Order is not binding on respondent until final ratification by the Board.

(4) Respondent hereby acknowledges and waives:

- a. The right to appear personally or by counsel or both before the Board;
- b. The right to produce witnesses and evidence in his behalf at a hearing;
- c. The right to cross examine witnesses;
- d. The right to have subpoenas issued by the Board;
- e. The right to further procedural steps except for those specifically contained herein;

- f. Any and all rights of appeal of this Consent Order;
- g. Any objection to the fact that this Consent Order will be presented to the Board for consideration and review;
- h. Any objection to the fact that it will be necessary for the Board to become acquainted with all evidence pertaining to this matter in order to review adequately this Consent Order;
- i. Any objection to the fact that potential bias against the Respondent may occur as a result of the presentation of this Consent Order.

(5) If the Consent Order is not accepted by the Respondent, the Investigating Committee will recommend to the Board that an Administrative Hearing be scheduled with respect to any and all acts of alleged unprofessional conduct. If the Board approves, an Administrative Hearing will be scheduled. A Hearing Committee will be convened for the purpose of conducting the Administrative Hearing. The composition of the Hearing Committee is described by statute. If the Hearing Committee votes in favor of finding the Respondent guilty of unprofessional conduct as specified in the charges, the Board shall prepare written finding of fact and law in support of said conclusion. If the accused is found not guilty, the Board shall, forthwith, issue an order dismissing the charges.

(6) By Acceptance of this Consent Order, Respondent agrees not to contest this matter further.

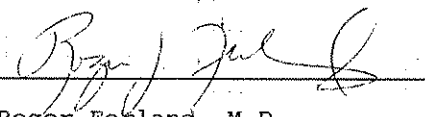
(7) This Consent Order shall become part of the public record of this proceeding once it is accepted by all

parties and by the Board. It shall be published as the Board, in its exercise of its discretion, shall determine.


(8) Failure to comply with this Consent Order, when signed and accepted, shall subject the Respondent to further disciplinary action.

(9) Respondent voluntarily accepts the Board's findings with a sanction of a one year suspension from the practice of medicine, nine months of which shall be stayed. Respondent shall be given credit for one month during which he refrained from practice at the suggestion of the Physician's Health Committee and was evaluated. The effective date of suspension shall commence on January 18, 1993 and end on March 14, 1993. The Respondent shall enter a three year contract with the Physician's Health Committee and reports shall be made to the Board on a quarterly basis. The Respondent shall perform 120 hours of community service per year in a hospital gynecological clinic for three years. A Two Thousand (\$2,000) Dollar Administrative Fee shall be payable within 60 days of the ratification of this Consent Order.

Signed this 1st day of December 1992.


Roger Ferland, M.D.

Ratified by the Board of Medical Licensure and Discipline at a meeting held on 12/9 1992.


Barbara A. DeBuono M.D., M.P.H.
Chairperson
Board of Medical Licensure and
Discipline